

Amendment No. 6 to HB2641

**Ragan
Signature of Sponsor**

AMEND Senate Bill No. 2556

House Bill No. 2641*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-308, is amended by deleting the section in its entirety and by substituting instead the following:

(a) The general assembly finds and declares that it is the right of every person regardless of race, color, ancestry, religion or national origin, to be secure and protected from fear, intimidation, and harassment caused by the activities of groups and individuals. It is not the intent of this section to interfere with the exercise of rights protected by the constitutions of the United States and this state. The general assembly recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs. The general assembly further finds that the advocacy of unlawful acts by groups or individuals against other persons or groups for the purpose of inciting and provoking damage to property and bodily injury or death to persons is not constitutionally protected, poses a threat to public order and safety, and should be subject to criminal sanctions.

(b) A person commits the offense of harassment who:

(1) Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate another from the free exercise or enjoyment of any right or privilege secured by the constitution or laws of this state;

(2) Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate another because that other person exercised any right or privilege secured by the constitution or laws of the United States or the constitution or laws of this state;

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(3) Damages, destroys or defaces any real or personal property of another person with the intent to unlawfully intimidate another from the free exercise or enjoyment of any right or privilege secured by the constitution or laws of this state; or

(4) Damages, destroys or defaces any real or personal property of another person with the intent to unlawfully intimidate another because that other person exercised any right or privilege secured by the constitution or laws of the United States or the constitution or laws of this state.

(c) It is an offense for a person to wear a mask or disguise with the intent to violate subsection (b).

(d) A violation of this section is a Class A misdemeanor.

(e) The penalties provided in this section for harassing others do not preclude victims from seeking any other remedies, criminal or civil, otherwise available under law.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.